

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EARL M. KOORNDYK, JR.,

Plaintiff,

vs.

MODERN BUILDERS SUPPLY, INC.,
et al.,

Defendants.

Case No. 1:04-CV-333

Hon. Hugh W. Brenneman, Jr.

OPINION

This matter is now before the court on plaintiff's Application for Default Judgment and Determination of Damages against defendant Michael Joseph Mercure (docket no. 182).

On September 15, 2006, default was entered as to defendant Mercure pursuant to Fed. R. Civ. P. 55(a). The court directed defendant Mercure to appear on March 16, 2007, to show cause why default judgment should not be entered against him pursuant to Fed. R. Civ. P. 55(b)(2). Defendant Mercure failed to appear for the show cause hearing.

Plaintiff thereafter filed his Application for Default Judgment and Determination of Damages, which includes an affidavit establishing his damages at \$31,521.75. The court scheduled plaintiff's application for hearing on April 4, 2007 and provided notice to defendant. *See* Fed. R. Civ. P. 55(b)(2). Defendant Mercure failed to respond to plaintiff's application, failed to oppose plaintiff's affidavit, and failed to appear for the hearing on the application, or otherwise contact the court.

Accordingly, plaintiff's unopposed Application for Default Judgment and Determination of Damages (docket no. 182) will be granted, and plaintiff Earl M. Koorndyk, Jr. will recover from defendant Michael Joseph Mercure the sum of \$31,521.75, with judgment interest thereon at the rate provided by law.

Dated: April 4, 2007

/s/ Hugh W. Brenneman, Jr.
Hugh W. Brenneman, Jr.
United States Magistrate Judge